

7 FAM 1330 EXECUTION OF APPLICATION

7 FAM 1331 APPLICATION FORM

(TL:CON-67; 1-24-97)

A person applying abroad for a passport must execute an application on Form DSP-11, *Application for Passport/Registration* or, under certain conditions, form DSP-82, *Application For Passport by Mail* [see 7 FAM 1324 Exhibit 1324]. Applicants using Form DSP-11 execute the application under oath and pay an execution fee (Item 1, 22 CFR 22.1). Applicants using form DSP-82 do not execute the application under oath or pay the execution fee. They merely complete the form and mail or deliver it to the issuing post. Eligibility requirements for use of the DSP-82 are found in 7 FAM 1331.7 and 7 FAM 1331.8 .

7 FAM 1331.1 Persons Before Whom Applications Must Be Executed

(TL:CON-67; 1-24-97)

a. 22 U.S.C. 213 provides that the DSP-11 application must be executed before a person authorized by the Secretary of State to administer oaths for passport purposes. By regulation (22 CFR 51.21 (b)), the following persons are among those authorized to administer such oaths abroad:

- (1) A consular officer;
- (2) A diplomatic officer;
- (3) A designated nationality examiner;
- (4) A consular agent;
- (5) A notarial officer; or

(6) For military and civilian personnel of the Armed Forces of the United States and their dependents, passport applications may be executed before certain military officers as noted in Article 136 of the Uniform Code of Military Justice, as amended [see 7 FAM 1332.7 NOTE]. The applications are forwarded for processing to the nearest post of consular jurisdiction.

b. For record purposes the applications should show the place and manner of execution.

7 FAM 1331.2 Type and Manner of Oath

(TL:CON-67; 1-24-97)

a. The oath required of a passport applicant is an affirmation that the statements in the application are true.

b. It is not necessary to require the applicant to raise the right hand and recite the oath or affirmation. The signature on the application form will suffice. The consular office seal is not required in the jurat section of the application.

7 FAM 1331.3 Execution of Application by Minors

7 FAM 1331.3-1 General Requirements

(TL:CON-67; 1-24-97)

Under certain conditions, minors (unmarried persons under age 18) who are not first time applicants may apply for regular passports by mail (or without personal appearance) using Form DSP-82 [see 7 FAM 1331.8 for these procedures]. The following rules govern the execution of passport applications by minors who are not eligible to use the passport by mail procedure:

(1) A parent, guardian, or person in *loco parentis* shall execute the application for minors under age 13. Minors of age 13 or above execute applications on their own behalf unless, in the judgment of the person before whom the applications are executed, it is not desirable for the minors to do so. In the latter case, the application must be executed by a parent or guardian of the minor or by a person in *loco parentis*. A legal guardian must provide a certified copy of the court order appointing him or her the child's guardian. A person in *loco parentis* must provide a notarized statement by the parent authorizing the person to make the application. A stepparent must present a guardianship or power of attorney document. Court documents should be noted on the application and returned to the applicant. Affidavits and signed statements should be retained and made part of the permanent file. The passport-issuing office may require a minor under 18 to submit the written consent of a parent, a legal guardian, or a person in *loco parentis* prior to the issuance of a passport (22 CFR 51.27) [see 7 FAM 1321.1 b].

(2) An application executed on behalf of a minor is signed thus: "Richard Roe, by John Roe, father." The parent's identification is recorded in block 22 of the DSP-11 passport application.

(3) An application for a passport on behalf of a minor child should not be accepted by a Foreign Service post unless the child is physically present in the country at the time the application is executed. Although the personal appearance of a minor under age 13 is not a general requisite, the consular officer may require the child to appear at the post if there is doubt that the minor child is present in the country, fraud is suspected, or the consular officer finds it necessary for other reasons. Any deviation from this general rule must be approved by the Department (CA/OCS).

(4) At any time prior to the issuance of a passport to a minor and upon receipt of a written objection from a person having legal custody of the minor, the post may disapprove the minor's application (22 CFR 51.27(c)). (This rule refers to runaway as opposed to custody situations.)

7 FAM 1331.3-2 Issuance and Denial to a Minor Involved in a Custody Dispute

(TL:CON-67; 1-24-97)

The issuance and denial of passports to a minors involved in child custody disputes is governed by 22 CFR 51.27(d). This regulation was amended in 1995 and reads as follows:

51.27(d) *Objection by parent, guardian or person in loco parentis in cases where minors are the subject of a custody dispute.*

(1) *When there is a dispute concerning the custody of a minor, a passport may be denied if the Department has on file a court order granted by a court of competent jurisdiction in the United States or abroad which: (i) grants sole custody to the objecting parent; or (ii) establishes joint legal custody; or (iii) prohibits the child's travel without the permission of both parents or the court; or, (iv) requires the permission of both parents or the court for important decisions unless permission is granted in writing as provided therein. For passport issuance purposes, a court order providing for joint legal custody will be interpreted as requiring the permission of both parents. The Department will consider a court of competent jurisdiction to be a U.S. state court or foreign court located in the child's home state or place of habitual residence. Notwithstanding the existence of such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the child exist.*

(2) *Either parent may obtain information regarding the application for and issuance of a passport to a minor unless the inquiring parent's parental rights have been terminated by a court order which has been registered with the appropriate office at the Department of State; provided, however that the Department may deny such information to any parent if it determines that the minor demonstrates sufficient maturity to assert a privacy interest in his/her own right.*

(3) *The Department may require that conflicts regarding custody orders, whether domestic or foreign, be settled by the appropriate court before a passport may be issued.*

NOTE: *The phrase "the Department has on file" in 51.27(d)(1) means that the Department has received and reviewed a court order and, based on that court order, has entered a custody lookout in the child's name. Posts may only deny issuance on the basis of a custody order if a custody lookout has been entered in the child's name at the Department. Notwithstanding the existence of any such custody-based lookout, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the child exist. Department concurrence must be obtained prior to such issuance, except when the situation is so critical (as for emergency medical treatment) that the Department's prior approval cannot reasonably be obtained.*

7FAM 1331.4 Execution of Application by Incompetent Person

(TL:CON-67; 1-24-97)

A parent or legal guardian executes a passport application on behalf of a person declared incompetent by a court of competent jurisdiction.

7 FAM 1331.5 If English Alphabet is Not Used

(TL:CON-67; 1-24-97)

When an application is completed in Chinese or some other language not written in the English alphabet, the given name and surname in such application must be inserted both in English and the other language. A translation of the entries in the foreign language must also be submitted.

7 FAM 1331.6 Signature by Mark

(TL:CON-67; 1-24-97)

If the applicant signs by mark, one attesting witness to the signature is required. The witness' signature should appear opposite the mark made by the applicant. The witness should present acceptable identification [see 7 FAM 1333].

7 FAM 1331.7 Application for Passports by Mail (Waiver of Personal Appearance)

(TL:CON-67; 1-24-97)

a. A person who has previously obtained a passport is authorized, under certain conditions, to file a subsequent application *without making a personal appearance before an acceptance agent. This waiver of personal appearance is also known as the passport by mail procedure. The requirements for waiver of personal appearance are set forth in 22 CFR 51.21(c) and (d).*

b. *The waiver of personal appearance by applicants at overseas posts began as a pilot program and was eventually offered to all posts upon request and specific authorization by the Department. Most posts are now using this program. For those that are not but wish to begin waiving personal appearance, the Department authorizes all posts to exercise the option of waiving personal appearance for adult applicants only (age 18 or over) without prior Department authorization if, in the post's view, the postal or delivery system the post plans to use is secure and dependable. The option to waive personal appearance for minors must be requested and approved by the Department [see 7 FAM 1331.8].*

c. Once the decision is made to use the waiver of personal appearance option, the following conditions must be met by the applicant:

(1) Previous passport was issued in the applicant's name within the last 12 years and when the applicant was at least *18 years old [see 7 FAM 1331.8 for exceptions];*

(2) Previous passport is submitted with application;

(3) Two identical and recent photographs are submitted with the application.

d. A person applying abroad for a U.S. passport by mail, *or without personal appearance*, executes an application on Form DSP-82, Application for Passport by Mail [see 7 FAM 1324 Exhibit 1324]. This form was designed for use in the United States and the information printed on the reverse side does not apply to local procedures in each consular district. A post may develop an information sheet containing correct information for local use to attach to the reverse of Form DSP-82.

e. *Applicants appearing in person who qualify may also use the DSP-82 application form. This form may not be used for replacements for lost/stolen passports or materially mutilated passports.*

f. *Applicants who use the DSP-82 form pay only the passport fee (Item 3 or 4, 22 CFR 22.1), not the execution fee.*

7 FAM 1331.8 Passports by Mail for Minors

(TL:CON-67; 1-24-97)

a. *Unlike the general waiver of personal appearance for passport applicants, the authority to accept mail-in applications from minors as a category must be specifically granted by the Department. Posts which have not already done so may request authorization to waive personal appearance for minors by sending a cable slugged for CA/OCS, CA/FPP and CA/PPT/PAS. In its request, the post must report on the dependability and security of the host country's postal and/or alternative delivery system (e.g. messengers) the post plans to use. Posts may, if they wish, request only authority to waive personal appearance for minors and not seek to use the local postal system.*

b. *Like all mail-in applicants, minors apply on Form DSP-82. There are, however, additional requirements for waiving the personal appearance of minors. 22 CFR 51.21(d)(4) reads:*

"In a Consular district specifically authorized by the Secretary to waive personal appearance of minors in accordance with this subsection, a U.S. consular officer may waive the age requirement established for use of the mail application, where the consular officer determines that:

(i) The minor and, if applicable, the U.S. citizen parent(s) or legal guardian are registered in that consular district;

(ii) The minor is not subject to the provisions of subsection 51.27(c) or (d) [see 7 FAM 1331.3 for provisions];

(iii) The waiver of the age requirement is otherwise in the interest of consular efficiency; and

(iv) The waiver will not otherwise compromise the integrity of the passport application process.

c. *In accepting an application by mail the post must be confident of the child's identity and should not have other fraud concerns. Should a question arise and not be satisfactorily answered, posts should invite the parent or guardian to bring the child in for identification or clarification of outstanding questions.*

d. *A parent or legal guardian shall sign the DSP-82 application on behalf of a minor under the age of 13 (Example: "Richard Roe by John Roe, father").*

e. *The passports by mail for minors procedure does not apply to diplomatic or official passports [see 7 FAM 1311.4-1].*

7 FAM 1332 MILITARY COURIER SYSTEM

7 FAM 1332.1 Basic Procedure

(TL:CON-67; 1-24-97)

Under the Military Courier System, military personnel and their dependents receive passport and citizenship services without personally appearing at consular offices. Passport applications, Consular Report of Birth *applications*, and supporting affidavits may be sworn to before duly authorized military officers. The military installation forwards the applications to the appropriate consular post.

NOTE: The Military Birth Registration Procedure is an integral part of the courier system. Under it, Consular Report of Birth *applications* are prepared by the designated birth registration officer and transmitted between the military installation and the consular post.

7 FAM 1332.2 Department of Defense Cooperation

(TL:CON-67; 1-24-97)

a. Both the courier system and the birth reporting procedure have the support of the Department of Defense. The U.S. Military Headquarters in Europe and the Far East issue and constantly update circulars on passport and related matters, prescribing policy and procedures.

b. Effective use of the procedures requires continuing, efficient liaison between the consular posts and the military installations. When a consular district contains U.S. military installations, the consular officer responsible for citizenship work must take the actions necessary to ensure maximum use of the procedures.

c. The consular officer should request cooperation from each military command post in the consular district, and offer any assistance necessary. When the courier system is first established, the military post concerned should receive detailed information sheets on the types of documentary evidence that must be submitted with the various requests for citizenship and passport services.

7 FAM 1332.3 Establishing the Courier System

(TL:CON-67; 1-24-97)

a. The command post of every U.S. military installation in a consular district should be contacted by the citizenship officer or that officer's supervisor. Agreement should be reached on the most efficient unit breakdown of the command for purposes of the courier system. Request the command post to inform each such unit that its passport and citizenship services may be processed via courier. The citizenship officer ascertains from the command post the exact office of each unit responsible for such services and then makes personal contact with the appropriate personnel at each military unit.

b. Immediately establish a procedure with each military unit to provide for continuity of courier system coordinated action beyond the tenure of duty of the citizenship officer and/or the military contact.

c. Military units whose size or location make use of the courier system impractical or undesirable may use military mail or local mail channels, if local mail is considered reliable by consular and military personnel.

d. *The consular officer should* suggest that the military posts cooperate as a matter of mutual convenience *but should* not urge or force the courier system. If the military units concerned do not have the facilities for completing applications and taking oaths, or if they do not desire this procedure, the military personnel and their dependents will continue to call in person at the consular office.

7 FAM 1332.4 Applicants Who May Use the Courier System

(TL:CON-19; 09-30-86)

The system may be used by:

(1) Military personnel stationed abroad and their dependents residing with them;
and

(2) U.S. Government civilian employees and American Red Cross personnel stationed abroad and their dependents residing with them.

7 FAM 1332.5 Processing the Applications

(TL:CON-67; 1-24-97)

Applications for the issuance, amendment, or extension of passports may be transmitted through the courier system. Personal appearance of the applicants at post is not required, except as noted in 7 FAM 1332.8 . The applications will be sent to the consular office serving the consular district in which the applicant resides or is assigned.

7 FAM 1332.6 Oaths

(TL:CON-67; 1-24-97)

Passport applications of first-time applicants are required to be made under oath *or by affirmation* before a person authorized and empowered to perform such acts. Military officers may administer the oath or affirmation in connection with applications by Department of Defense military members, civilians and their dependents. The signature without seal of any such military officer acting as notary, together with the title of office, is prima facie evidence of authority (10 U.S.C 936d).

NOTE: The Departments of State and Defense have indicated in a joint message that those members of the Armed Forces who are authorized to administer oaths under Article 136, Uniform Code of Military Justice, are authorized and empowered to administer oaths within the meaning of 22 U.S.C. 213. This authorization extends to any oath necessary in connection with a passport application or Consular Report of Birth.

7 FAM 1332.7 Controls and Receipts

(TL:CON-19; 9-30-86)

a. Couriers may be military officers or enlisted personnel. For each trip, the military unit should furnish the courier a letter of transmittal listing the name of each applicant for the various services requested, number and type of applications transmitted and passport numbers, when applicable, to facilitate receipting for documents and money. A copy of the transmittal letter should be signed by designated personnel at the consular post, noting that all documents and money were received.

b. When passports and other documents are returned to the courier by the consular post, a transmittal letter to the military unit should be receipted by the courier.

c. Consular posts may establish other procedural control systems as necessary for efficient use of the courier system.

7 FAM 1332.8 Personal Appearance

(TL:CON-19; 9-30-86)

The personal appearance of an applicant before a consular officer should be required if:

(1) Some question exists regarding the applicant's claim to U.S. nationality which cannot be resolved through use of the courier system;

(2) Loss or mutilation of a previous passport is not satisfactorily explained in a sworn statement; or

- (3) The time element makes use of the courier system or local mail impractical.

7 FAM 1333 EVIDENCE OF IDENTITY OF APPLICANT

7 FAM 1333.1 Requirements Applicable to Establishing Identity

(TL:CON-67; 1-24-97)

a. Persons applying for a regular passport must establish their identity to the satisfaction of the person before whom the application is executed. *Acceptable identification must bear both the signature and the photograph or physical description of the applicant. If a normally acceptable document of identity was issued so long ago that it no longer readily identifies the applicant, the accepting official must require additional, more recent identification. Documents which have been altered or mutilated are not acceptable.* An applicant's identity may be established by:

- (1) A passport previously issued to the applicant or in which the applicant was included (*photocopies of passport pages should not be accepted in lieu of the book*);
- (2) A certificate of naturalization or of citizenship;
- (3) A card or certificate of identity or other formal document issued by competent authorities of the municipality, state or country in which the applicant resides which is accepted as proof of identity and is known to be a reliable identity document;
- (4) The officer's personal knowledge; or
- (5) A witness [*see 7 FAM 1333.2*].

b. If the officer has reason to doubt that a person who presents any of the foregoing documents is the rightful bearer of the document, the officer should require other evidence of identity. When necessary, the officer should verify the authenticity of the documents presented.

7 FAM 1333.2 Witnesses

(TL:CON-67; 1-24-97)

a. If the applicant's identity is to be established by a witness, the officer should require that the applicant be accompanied by a U.S. citizen, or where that is not practical, by a reputable alien. (The officer assumes that the alien is reputable unless there is evidence to the contrary.) The witness must have acceptable evidence of identity and be able to identify the applicant from personal knowledge resulting from an association over a period of years.

b. If necessary, the identifying witness should be required to execute an affidavit stating: that the witness resides at a specific address; that the witness knows or has reason to believe that the applicant is a citizen of the United States; the basis of this knowledge concerning the applicant; and that the information set out in the affidavit is true to the best of the witness' knowledge and belief. A witness who has a U.S. passport *should* include that fact in the affidavit and *state the passport number and the date and place of issuance. Form DSP-71 (Affidavit of Identifying Witness) available on the INFOFORMS CD-ROM may be used for this purpose.*

c. The identifying witness subscribes to the statement before the same person who *accepted* the passport application (22 CFR 51.31 (c)).

d. *Posts should not accept as witness to a passport application a person who has received or expects to receive a fee for services in connection with executing the application or obtaining the passport (22 CFR 51.30).*

NOTE: A witness' affidavit should not be considered as a substitute for acceptable *documentary* identification. The applicant must submit all obtainable identification documents for examination and recording, along with the identifying witness affidavit. Extreme care should be taken with applicants whose age and occupation indicate that they should have acceptable documentary identification evidence; the absence of such identification evidence may indicate fraud. If an identifying witness presents newly issued identification evidence, such as a driver's license or even a passport, the application should be examined carefully because of the possibility of fraud.

e. If the applicant has been residing outside the United States for a number of years and there is considerable doubt as to identity, the applicant should be required to present a member or members of the *immediate* family as a witness or witnesses. This procedure is especially applicable in certain areas of the world where experience has shown that special difficulty exists in establishing identity.

f. In such cases the applicant and the witness or witnesses should be *interviewed* concerning family matters (composition of family, residence, schooling, marriages, deaths, for example) to make certain they are mutually familiar with family history. The interview of the applicant and witness should be done separately and answers compared for discrepancies.

g. The methods mentioned are not *exhaustive*. Consular officers may use other reasonable means which the particular circumstances dictate to assist them in verifying the applicant's representation. The Department considers that verifying the identity of an applicant *should rest* within the judgment of the consular officer taking the application and it will, as a general rule, accept the officer's opinion on this important element.

7 FAM 1333.3 Burden of Proof in Establishing Identity

(TL:CON-67; 1-24-97)

a. In establishing an applicant's identity, the burden of proof rests *solely* on the applicant *and must be met by a preponderance of the evidence*. When the consular officer doubts the evidence of identity presented by an applicant, the officer should request the applicant to submit additional evidence establishing or supporting the claimed identity. The Department will not, as a general rule, interview persons in the United States named as identifying witnesses unless such action is specifically requested by a consular officer, since it considers that the responsibility for ascertaining whether the applicant is the identical person described in the evidence can be most effectively discharged by the officer *who examines* the applicant.

b. *In emergency situations, when the consular officer is reasonably certain of the applicant's identity and claim to U.S. citizenship but acceptable evidence of identity cannot be presented in time for travel, a limited passport may be issued. For applicants whose passports have been lost or stolen the passport may be limited for 1 year. For all other applicants the passport should be limited to the duration of the trip (and no longer than three months). Posts issuing passports under this authority should use Endorsement Code 92 which reads as follows:*

THIS PASSPORT EXPIRES ON (MON/DAY/YR). EXTENSION MUST BE APPROVED BY THE DEPARTMENT OF STATE UNDER 22 CFR 51.28.

NOTE: Passports containing this endorsement may be extended to full validity without referral to the Department upon presentation of acceptable identity evidence unless additional endorsements in the passport preclude such extension.

7 FAM 1334 DOCUMENTATION TO SUPPORT A CITIZENSHIP CLAIM

7 FAM 1334.1 Documents Acceptable as Proof of Citizenship

(TL:CON-67; 1-24-97)

a. Every application shall be accompanied by evidence of the U.S. citizenship of the applicant. Applicants for U.S. passports must prove their U.S. citizenship in accordance with the requirements of 22 CFR 51.43 through 51.54. 22 U.S.C. 2705 provides that any of the documents listed below is acceptable as proof of the U.S. citizenship or nationality of an applicant for a passport, if the applicant provides satisfactory identification of self as the person to whom the document was issued or as a person included in the document:

(1) A U.S. passport during its period of validity if such period is the maximum period authorized by law;

(2) An approved Consular Report of Birth Abroad of a Citizen of the United States of America (Form FS-240);

(3) A Certificate of Naturalization or a Certificate of Citizenship issued in the name of the applicant by INS;

b. With the exception of the Consular Report of Birth, the above documents may be accepted as proof of both citizenship and identity with no requirement for other documentation. In every case, the consular officer must be satisfied with the bonafides of the document and that the bearer has not lost U.S. citizenship since the date of issuance.

7 FAM 1334.2 Evidence Submitted to Establish Citizenship

(TL:CON-67; 1-24-97)

Evidence of U.S. citizenship differs from proof in that evidence is not always conclusive of citizenship in and of itself. Documentation classified as evidence may require further support or verification in order to establish a citizenship claim. Documents which qualify as evidence of U.S. citizenship include an approved registration in a consular office or a notice that registration has been approved, a certified copy of a U.S. birth certificate, a Certification of Birth Abroad of a Citizen of the United States of America (FS-545) or Certification of Report of Birth (DS-1350) or verification of passport records. Consuls need to exercise judgment in determining whether a particular evidence document satisfactorily establishes citizenship.

7 FAM 1334.2-1 Primary and Secondary Evidence of Birth in the United States

(TL:CON-67; 1-24-97)

a. *Primary evidence:* A person born at a place in the United States where official records of birth were maintained at the time of such birth shall submit with the application for a passport a birth certificate or documentary evidence of birth issued by a competent authority in the locality of birth under the seal or other certification of the official custodian of such records (22 CFR 51.43(a)). Such document must contain, but need not be limited to, the full name and date and place of birth of the person to whom the record pertains, *date the certificate was filed (should be within one year of birth), and the signature and seal of the registrar (seal may be embossed, impressed or multicolored).*

b. *Secondary evidence:* If primary evidence of birth *in the United States* cannot be submitted, or is not available, the person shall submit with the passport application the best obtainable secondary evidence. A person born at a place in the United States where official records of birth were maintained at the time of birth should submit a certification of "no record" from the official custodian of such birth records before secondary evidence will be considered. The passport issuing office will consider as secondary evidence: delayed certificates of birth (*filed more than one year after birth*), baptismal certifications, census records, school records, and similar documents issued or created by governmental, public, and private organizations, which were created shortly after birth or which reflect that the facts of birth contained therein are based on information or knowledge obtained from persons other than the person whose birth in the United States is to be proved, and/or affidavits of persons having independent personal knowledge of the facts of the birth. *The affidavit, preferably by a parent, older blood relative, or professional attendant at the birth, must show the name of the applicant, date and place of birth, and must state specifically and in detail not only that the affiant has knowledge of the facts of the applicant's birth, but also how the affiant acquired such knowledge (22 CFR 51.43(b)).*

NOTE: *All States have had a legal requirement that births be registered since 1919. A "no record" certificate submitted by an applicant born after 1919 should be reviewed with extreme caution.*

7 FAM 1334.2-2 Naturalization of Persons Not Born U.S. Citizens

(TL:CON-67; 1-24-97)

a. *Persons naturalized as U.S. citizens must submit with their application a Naturalization Certificate, or, if not first-time applicants, previous passports. (An expired passport may be accepted as evidence of U.S. citizenship.)*

b. *Persons who have lost their naturalization certificates should be advised to apply to INS for replacement certificates. In emergency situations, posts may cable the Department (CA/OCS/ACS) with a request to verify a naturalization.*

1334.2-3 Derivative Citizenship at Birth of Persons Born Abroad

(TL:CON-67; 1-24-97)

a. Applicants who claim to have derived citizenship by virtue of birth abroad to a U.S. citizen parent or parents may submit their own Certificate of Citizenship (or a Consular Report of Birth or Certification of Birth).

b. In lieu of the documentation named in *paragraph (a)* above, applicants may submit evidence of parent(s)' citizenship at the time of their birth, and evidence of their own and their parent(s)' residence and/or physical presence in the United States. The consular officer must determine *whether* the parent(s) had sufficient U.S. physical presence/residence to transmit citizenship to the applicant under the appropriate provision of law. The passport-issuing office may require applicants to establish the marriage of parents and the applicants' relationship to them.

7 FAM 1334.2-4 Derivative Citizenship Subsequent to Birth of Persons Born Abroad

(TL:CON-19; 9-30-86)

a. Applicants who claim U.S. citizenship by virtue of the naturalization of a parent or parents subsequent to the birth of the applicants may submit their own Certificates of Citizenship.

b. In lieu of a Certificate of Citizenship, applicants must submit a birth certificate and the naturalization certificate of the parent or parents through whom the applicants claim U.S. citizenship. In these cases, applicants must also prove their residence in the United States during minority as required by the law under which they claim citizenship.

7 FAM 1334.2-5 Citizenship by Birth in Territory Under Sovereignty of the United States

(TL:CON-67; 1-24-97)

A person claiming nationality or citizenship of the United States under an Act of Congress or treaty by virtue of birth in territory under the sovereignty of the United States shall submit evidence of birth in such territory (22 *CFR* 51.52) [see 7 FAM 1120].

7 FAM 1334.2-6 Proof of Resumption of U.S. Citizenship

(TL:CON-67; 1-24-97)

a. An applicant who claims resumption of U.S. citizenship or who was repatriated under any of the nationality laws of the United States shall submit with the application a certificate of repatriation, or evidence of the fact that an oath of allegiance was taken in accordance with the applicable provisions of the law (22 *CFR* 51.53).

b. An applicant who claims citizenship through a mother who resumed citizenship or a parent who was repatriated must submit evidence thereof. Such applicants also must prove that they resided in the United States for the period prescribed by law.

7 FAM 1334.2-7 Evidence of Citizenship in Case of Adopted Children

(TL:CON-67; 1-24-97)

a. Adoption of an alien child by a U.S. citizen does not confer citizenship upon the child. Evidence must be submitted to show that the child has become naturalized in accordance with the provisions of the appropriate act (SEC. 316, Nationality Act of 1940; SECs. 320, 321, and 322 Immigration and Nationality Act, as amended).

b. *For an adopted minor child to be issued a passport, the application must be accompanied by documentary evidence of the adoption and evidence of the child's U.S. citizenship. If the birth certificate of an adopted child born in the United States cannot be obtained but the custody of the adopted child was given during early infancy by a reputable charitable or other organization, an affidavit may be executed by an official of the organization. The affidavit should include the date and place of birth in the United States of the former ward, the fact that the child has been legally adopted, the date and manner of adoption, and the name and place of residence of the adoptive parent or parents. The basis for the affiant's knowledge and belief concerning the child's date and place of birth and the date when the child was placed in the custody of the organization should be given.*

c. If the child has not been formally adopted, the affidavit should so state, and also show that the child has had a permanent and established place for a definite period of time with the family in whose custody the child was placed. *If a formal adoption is pending, the child may be issued a passport limited for one year with Endorsement Code 46. The Department will authorize extension to full validity upon presentation of a certified copy of the final adoption decree. Endorsement Code 46 reads as follows:*

THIS PASSPORT EXPIRES ON (MON/DAY/YR) AND SHALL NOT BE EXTENDED WITHOUT THE EXPRESS AUTHORIZATION OF THE DEPARTMENT OF STATE.

7 FAM 334.2-8 Rules Pertaining to Establishing Citizenship Relating to Women

(TL:CON-67; 1-24-97)

a. On October 25, 1994, Section 301 of the Immigration and Nationality Act was amended to allow for acquisition of U.S. citizenship by children born abroad prior to May 24, 1934 to U.S. citizen mothers who had resided in the U.S. and alien fathers (Section 301(h) INA). Posts should adjudicate these cases in the same manner as those children born to U.S. citizen fathers during that time period [see 7 FAM 1130].

b. U.S. citizen women who married aliens prior to September 22, 1922, were held to have taken their husbands' nationality and to have ceased to be U.S. citizens [see 7 FAM 1200]. In light of the *Supreme Court decision in Afroyim v. Rusk*, 276 U.S. 253 (1967), the Department now *finds* that the women did not cease to be U.S. citizens unless it was their intent to relinquish citizenship or transfer allegiance to the husband's country. Cases of this type are rare and will become rarer as time passes. Unless the consular officer has reason to believe the women expatriated themselves, the cases should be handled no differently from any other applications. The same holds true of U.S. citizen women who married aliens ineligible to citizenship prior to March 3, 1931.

c. Any questions about these cases should be referred to the Department (CA/OCS/ACS).

7 FAM 1334.2-9 Burden of Proof in Establishing U.S. Citizenship

(TL:CON-67; 1-24-97)

a. *Applicants have the burden of proving by a preponderance of the evidence that they are citizens of the United States (22 CFR 51.40). Nothing contained in 22 CFR 51.43 through 51.53 shall prohibit the Department or the consular officer from requiring an applicant to submit other evidence deemed necessary to establish U.S. citizenship or nationality (see 22 CFR 51.54).*

b. *In emergency situations, when acceptable evidence of citizenship cannot be presented in time for travel, a passport limited to 1 year may be issued provided the consular officer is reasonably satisfied of the applicant's citizenship status. In such cases, the consular officer must record on the passport application the available citizenship evidence. Posts issuing passports under this authority should use Endorsement Code 71 which reads as follows:*

THIS PASSPORT EXPIRES ON (MON/DAY/YR). EXTENSION OF VALIDITY MAY BE APPROVED UNDER 22 CFR 51.41.

NOTE: *Passports containing this endorsement may be extended to full validity without prior Department approval upon presentation of acceptable citizenship evidence unless additional endorsements in the passport preclude such extension.*

7 FAM 1334.2-10 Verification of Authenticity of Documents

(TL:CON-67; 1-24-97)

a. Whenever necessary, documents submitted as evidence of U.S. citizenship should be verified. *The Department (CA/OCS) will verify the authenticity of birth certificates or other evidence emanating from the United States in cases where such action is deemed necessary. In general, documents which meet the standards set forth in 7 FAM 1334.1 and 7 FAM 1334.2 may be accepted without verification.*

b. Whether a document issued in a foreign country should be verified is a matter which varies from country to country. The judgment of each office, based upon the knowledge and experience of that particular office, will govern the necessity for investigation or verification.

7 FAM 1334.2-11 Return of Documentary Evidence Submitted to Establish Citizenship

(TL:CON-67; 1-24-97)

a. As a rule, the Department does not consider it necessary to retain evidence of citizenship submitted by applicants. It is usually sufficient to describe and record the evidence on the application form which is retained in the permanent files of the *Department*. The record must be legible and identify the document unmistakably. If pertinent, a notation is made of the date and place of filing, date of issuance, and (if applicable) birth certificate number appearing on the document. The record is made on the first page of the application. *If there is insufficient room on the application to record all citizenship documents, they should be noted on a separate single piece of paper and attached to the application.* All affidavits are considered part of the application and are retained in the Department's files (22 CFR 51.55).

b. In cases where the submitted evidence is known to be counterfeit or appears to have been altered, or there are other reasons for suspecting fraud, the evidence must be sent to the Department with the application. Upon inquiry, inform the applicant that the evidence will be kept in permanent files by *the Department*.

c. Foreign birth certificates are returned to applicants unless there is a question as to their authenticity, in which case they should be attached to the application.

d. In some cases, posts will send evidence needed by the Department in considering a case for authorization or decision. When the post indicates that the applicant requests the return of the evidence, the Department will do so at the time of reply, or explain why it has been retained.

7 FAM 1334.3 Evidence of Citizenship by Armed Forces Personnel

7 FAM 1334.3-1 Evidence Required for Regular Passports

(TL:CON-67; 1-24-97)

a. *The requirements for documentary evidence of U.S. citizenship that must be submitted for regular passports by personnel of the U.S. Armed Forces who have proceeded abroad in accordance with their military assignments are the same for enlisted personnel and officers.*

b. *All military personnel, including commissioned officers (appointed by the President and confirmed by the Senate), who acquired citizenship by birth in the United States should provide a certified copy of their birth certificate or a previous passport as evidence of U.S. citizenship. A service member born abroad must provide a previous passport, a Certificate of Citizenship or Naturalization, a Consular Report of Birth, or other evidence of citizenship as outlined in 7 FAM 1334.1 and 7 FAM 1334.2 .*

c. *In an emergency, a passport limited to one year with Endorsement Code 71 may be issued to a member of the Armed Forces born in the U.S. based on a photocopy of a commission certificate or oath of office or on a military identification card [see 7 FAM 1334.2-9 for endorsement language]. Agencies should continue to limit the issuance of Code 71 passports to situations in which the applicant cannot reasonably be expected to obtain a birth certificate in time to meet his or her travel plans.*

7 FAM 1334.3-2 Requirement for No-Fee Passport

(TL:CON-67; 1-24-97)

A limited no-fee passport may be issued to a member of the U.S. Armed Forces who is transferred to a country where the Armed Forces member is required by the government concerned to be in possession of a passport but in whose case there is not sufficient time to present evidence of U.S. citizenship with the application, as required in 7 FAM 1334.3 . Use Endorsement Codes 62 and 71 in these cases. Such applicants, who have a long-term need for a passport in connection with military duties, should apply for an official passport through the proper DOD channels. Once the bearer receives the official passport, the no-fee regular passport should be canceled. For Endorsement Code 71 language, see 7 FAM 1334.2-9 . Endorsement Code 62 reads as follows:

THIS PASSPORT EXPIRES ON (MON/DAY/YR). IT MAY BE EXTENDED ON PRESENTATION OF APPROPRIATE DUTY ORDERS.

7 FAM 1334.3-3 NATO Countries

(TL:CON-67; 1-24-97)

a. Military personnel are exempt from passport and visa requirements on entering or leaving NATO countries (See Article III: NATO Status of Forces Agreement). These personnel need only a personal identity card and individual or collective movement orders (including leave papers). Civilian dependents require fee passports.

b. If, for some reason, a member of the Armed Forces requests a passport when planning to visit any of the NATO countries, a regular passport may be issued upon submission of a satisfactorily completed application. *Such applicants must pay the usual passport fees.*

7 FAM 1335 USE OF A FOREIGN PASSPORT

(TL:CON-67; 1-24-97)

a. The Department discourages the use of foreign passports by citizens of the United States. A person eligible for documentation as a U.S. citizen who applies for, receives, and travels with a foreign passport may experience difficulties in receiving consular protection abroad.

b. It is recognized, however, that in certain instances citizens must use foreign passports in completing proposed travel. Such situations arise frequently under the following circumstances:

(1) When *U.S. citizens, whether born in the United States or naturalized*, are required by the laws of a foreign country, of which they are also citizens or nationals, to obtain and use a passport of that country for entering and departing that country;

(2) When *citizens of the United States are under 21 years of age and are members of the household of an official or employee of a foreign government or of the United Nations and are in possession of or included in a foreign passport; and*

(3) When *a child under 12 years of age is included in the foreign passport of an alien parent and is traveling with that parent; however, such child will be required to provide evidence of U.S. citizenship when entering the United States (22 CFR 53.2(f)).*

c. Under Section 215(b) INA (8 U.S.C. 1185(b)), it is unlawful, except as otherwise provided, for a U.S. citizen, even when carrying a foreign passport, to enter and depart the United States without a valid U.S. passport. 22 CFR 53.2 provides the exceptions to this requirement.

7 FAM 1336 NAME CLEARANCE OF PASSPORT APPLICANTS

7 FAM 1336.1 Background

(TL:CON-67; 1-24-97)

By law the Department *must* ensure that its statutory responsibility relating to the documentation of persons as U.S. citizens is properly discharged. *Passport procedures require* that applications be cleared *through the Passport Namecheck System* before passports are issued. To ensure document integrity and effective fraud prevention, and cooperation with courts and law enforcement agencies, passport clearance procedures must be as uniform as possible worldwide.

7 FAM 1336.2 The Passport Namecheck System

(TL:CON-67; 1-24-97)

a. The Passport Namecheck System consists of a computer database *called Consular Lookout and Support System (CLASS)* maintained in Washington against which all passport applications must be cleared; two sets of procedures, electronic and telegraphic, for using the stored data to obtain the clearances; and system maintenance procedures. *Entries are placed into and purged from the Passport Namecheck System daily.*

b. The system is known informally as the lookout system. A lookout is a warning notice, one of several types of entries stored in the Passport Namecheck System, indicating that a person may, by statute or regulation, be ineligible to receive a passport or other benefit of citizenship, or that restrictive passport action is required [see the definition in 7 FAM 1311.1-4].

c. *Orange lookout cards, which were developed prior to the CLASS to provide posts with a law enforcement lookout system have been supplanted by the electronic clearance system and are no longer distributed by the Department. Non-CLASS posts which use these cards in emergency situations should ensure that access to the CLASS through their host post is as efficient as possible and destroy the remaining orange cards. Since they carry name retrievable data protected by the Privacy Act, they should be burned or shredded.*

7 FAM 1336.3 Clearance Policy

(TL:CON-67; 1-24-97)

a. All applications for passport services, for minors as well as adults, must be cleared against the Passport Namecheck System before issuance. Posts equipped with CLASS must use that system for name clearance. *Non-CLASS posts must clear all applications using the 3-day telegram procedure [See 7 FAM 1336.4-2].*

b. *The following exceptions to clearance policy for both CLASS and non-CLASS posts are permissible:*

(1) Issuance for a minor when that minor is under one year of age and the minor's birth abroad occurred at a medical facility administered by the U.S. Department of Defense, provided that a U.S. citizen parent personally appears and executes an application accompanied by appropriate documentary evidence recognized as genuine by the post.

(2) *Issuance* when there is an urgent *life or death* need for travel and/or a delay in issuance would result in significant hardship *for the applicant*. Posts must follow up this action with a clearance request at the first available opportunity. Passports issued under this exception must be limited *to no longer than three months with Endorsement Code 73 which reads as follows*:

THIS PASSPORT EXPIRES ON (MON/DAY/YR). EXTENSION OF VALIDITY MUST BE CLEARED BY THE DEPARTMENT OF STATE.

NOTE: Posts are instructed to keep exceptions to an absolute minimum. *FAX and electronic mail may be employed to clear names in emergencies. Passports limited with Endorsement Code 73 may be extended to full validity, without Department authorization, upon clearance of the bearer's name unless additional endorsements preclude such extension.*

c. *In all cases except for the most extreme emergencies, applicants who request passport waivers for return to the United States must be cleared against the Passport Namecheck System before a waiver is granted. If such an emergency occurs, granting officers should, at the first available opportunity, initiate the namecheck procedure and notify CA/OCS of the action taken.*

d. *Posts must note on each application that the application was cleared, either by CLASS or by telegram.*

NOTE: *This notation must be placed in Box 23 of Form DSP-11 and Box 20 of Form DSP-82. Each post should obtain rubber stamps which will indicate that the application was either "CLASS CLEARED" or "CABLE CLEARED". A black ink pad is preferred because some colors resist the microfilming process used in the Passport Files Miniaturization System (PFM). This notation should not be placed in the upper right margin of the application because that area is reserved for the file address number added during PFM processing.*

7 FAM 1336.4 Clearance Procedures

7 FAM 1336.4-1 For CLASS Posts

(TL:CON-67; 1-24-97)

a. *CLASS contains the Passport Namecheck database, the only clearance system. All passport issuing posts on CLASS are required to clear all passport applications before issuing a passport. After issuance, forward the completed application to Passport Services, Office of Technology Development, Record Services Division (CA/PPT/TD/RS) for filing.*

b. *A sample clearance message is: "/ROU/PPT(POST'S I.D.) JANE ALICE DOE/AUG 25, 1942/P MICH."*

c. The Department will respond to all Passport Namechecks resulting in a computer-generated hold. CA/PPT/TD/PS/TWX determines the nature of the hold, refers the case to the CA office responsible for resolving it, and identifies the resolving office for the posts via CLASS administrative message. Administrative messages sent by the Department are not always received at posts, so posts should always acknowledge receipt of such messages.

d. CLASS posts also can verify previous passport records. To do so, add the year and place of issuance and the letter "V" to the clearance message. A sample verification message is: "ROU/PPT/(Post's I.D.) 1. JANE ALICE DOE/AUG 25, 1942/P MICH/V Previous Issuance 1979 Washington, D.C." Absent a lookout against the applicant's name, post will receive a "Hold for Verify" message. If a lookout exists, post will instead receive a "hold" message.

e. CA/PPT/TD/PS/TWX will respond to verification requests by CLASS administrative message. Some Posts have had difficulty receiving CLASS administrative messages due to problems in the system. If no response is received within three working days, posts should send a follow-up cable to CA/OCS/ACS indicating the applicant's name, date and place of birth, passport data, if known, and any other relevant identifying information. The cable should also reference the first message and the date it was sent. Verification cables should contain the subject line "Passport Verification".

f. The following telephone numbers are available if posts have an immediate passport problem or question:

(1) For technical issues, call the Consular Systems Division (CA/EX/CSD) Support Desk (202) 663-1177. Hours are from Sunday 1900 until Friday 1800 Eastern Time.

(2) For assistance with emergency cases, call CA/PPT/TD/PS/TWX for status holds or verifications at (202) 955-0309 or FAX (202) 955-0312. Hours are Monday through Friday from 0715 to 1700 Eastern Time.

(3) Posts may contact the passport duty officer for assistance on Saturdays only between 0900 and 1600 Eastern Time.

g. If CLASS is inoperative, posts should use the non-CLASS 3-day telegram procedure [see 7 FAM 1336.4-2]. Posts may also ask another CLASS post to process namechecks for applicants with urgent or emergency departures.

7 FAM 1336.4-2 For Non-CLASS Posts

(TL:CON-67; 1-24-97)

a. Posts not equipped with CLASS must clear all applications by sending the Department a telegram requesting clearance. All CPAS telegram requests should have the subject line "Passport Namecheck" or "Passport Clearance." This subject line should be used when the only action required is a name check. The action office for the name check is: Passport Services, *Office of Technology Development, TWX CLEARANCE BRANCH (CA/PPT/TD/PS/TWX)*. *(If action, in addition to a name check is required, a subject line relating to that action should be used and the request for clearance should be included as a separate paragraph.) Other passport action requests are handled by other offices of CA [see 7 FAM 1336.4-2 (e) below].*

b. The *clearance* telegram should include the applicant's name, and date and place of birth [see 7 FAM 1336.4 Exhibit 1336.4]. If the name fails to clear the Passport Namecheck System, the post will be notified within 3 Washington working days. If no response is received within 3 Washington working days, the post is authorized to proceed with processing the application, including issuance of a passport or other documentation as warranted. In cases where the name fails to clear a lookout, the Department will retrieve the pertinent files and furnish the post with necessary guidance by telegram.

c. *To expedite clearance*, posts should minimize the number of telegrams submitted to the Department by including as many names as possible on one telegram *but not* at the inconvenience of passport applicants. Do not list applicants' names on the subject or TAGS lines when requesting multiple clearances.

d. Emergency clearances may be conducted by contacting the nearest CLASS post or the CLASS post with the best communication link to the requesting post. All *non-CLASS* posts are encouraged to establish a "buddy system" with a CLASS post to facilitate emergency clearances. The Department can assist in this arrangement if necessary. If in a given situation the "buddy system" is not feasible or post is unable to contact CA/PPT/TD/PS/TWX at (202) 955 0309 (voice) or (202) 955-0312 (FAX), posts may exercise emergency issuance authority under the exceptions stated in subsection 7 FAM 1336.3 b .

e. *Non-CLASS* posts may also verify, by telegram, the issuance of previous passports. The action office for verification cables is CA/OCS/ACS. The subject line of the telegram should read "Passport Verification." The request should include the complete name, and date and place of birth of the applicant. The request should also include the number, place and date of the previous issuance if available. *If a name check is desired, in addition to the passport verification, a request for name clearance should be included as a separate paragraph in the cable. In cables requesting both verification and clearance, slug the action for CA/OCS/ACS and do not use the phrases "name check" or "passport clearance" in the subject line. Use of this terminology may cause the cable to go to CA/PPT/TD/PS/TWX which is the action office for verifications only when the CLASS system is used. CA/OCS/ACS can also provide descriptive data from the application if requested to do so.*

7 FAM 1336.4-3 For Complex Cases

(TL:CON-67; 1-24-97)

Non-CLASS and CLASS posts with complicated cases (e.g., cases where precise information of prior documentation as a U.S. citizen is not available) should send by telegram as much of the following information as possible to assist the Department with its file search:

- (1) Applicant's full name, date and place of birth;
- (2) Date and place of issuance of previous passports;
- (3) Height, eye color, hair color, visible marks;
- (4) Mother's maiden name, date and place of birth;
- (5) Father's name, date and place of birth;
- (6) Pertinent comments.

7 FAM 1337 AUTHORITY OF POSTS TO TAKE FINAL ACTION ON APPLICATIONS

(TL:CON-67; 1-24-97)

Posts are authorized to take final action without Department approval in most cases involving passport applications. Prior to all citizenship documentation, posts must follow the name clearance procedure [see 7 FAM 1336.3].

7 FAM 1337.1 First Time Applicants

(TL:CON-67; 1-24-97)

Posts' authority to take final action in passport applications includes applications from persons never before documented as U.S. citizens. This includes the following applicants:

(1) Persons born in the United States subject to its jurisdiction when evidence of identity and citizenship, as described in this chapter, is presented.

NOTE: Whenever it is indicated that an applicant was born in the United States to a foreign diplomat, the post should cable the Department so that the "Blue List" can be checked. The cable should include the name and date and place of birth of the child, the name of the diplomat parent, country whose mission the parent served in the United States, and dates of service in the United States. *The cable should also state the nationality of the child's other parent [see 7 FAM 1116.2-2].* The Department (CA/OCS/ACS) will advise the post appropriately.

(2) Persons born abroad to a U.S. citizen parent(s), *including persons born prior to May 24, 1934, to U.S. citizen mothers and alien fathers*, when evidence of identity and citizenship is presented. Such evidence, when necessary to establish citizenship, may include acceptable evidence of the U.S. citizenship of the parent(s), evidence of their marriage and of their compliance with the physical presence (residence) requirements necessary to transmit citizenship. Acceptable evidence establishing a blood relationship between the applicant and the citizen parent must also be presented.

(3) *Children, including adopted children, claiming derivative citizenship through their parent(s) naturalization (SECS. 320 or 321 INA) under conditions specified in the law.*

7 FAM 1337.2 Birth Out of Wedlock

(TL:CON-67; 1-24-97)

a. *Posts are authorized to decide all cases that involve the citizenship status of a child born out of wedlock but should contact the Department with any questions related to the sufficiency of evidence under the relevant statute. [See generally 7 FAM 1100 .]*

b. *Consular officers, at their discretion, are authorized to recommend to applicants that they submit to parentage blood/genetic testing to support a child's citizenship claim in questionable cases when all other available evidence has been examined and found to be inconclusive.*

7 FAM 1337.3 Findings of Non-loss of Citizenship

(TL:CON-67; 1-24-97)

Posts are authorized to make determinations of non-loss of U.S. citizenship for cases of first impression where no previous finding of loss has been made. The procedures for developing these types of cases are found in 7 FAM 1200 .

7 FAM 1337.4 Fraudulent Naturalization (Former Section 340(d) INA)

(TL:CON-67; 1-24-97)

Section 340(d) of the INA provided a means for a court to revoke the order admitting a person to citizenship and to cancel the certificate of naturalization if it determined that the person had taken up permanent residence abroad within a year of the date of naturalization. It was repealed by Section 104 of the Immigration and Nationality Technical Corrections Act of 1994. Posts should cease further action on these cases. The repeal of this law does not reinstate persons who were judicially denaturalized in the past. Denaturalization is a judicial procedure not an administrative action. The Department has no authority to reinstate judicial denaturalizations.

7 FAM 1337.5 Lost/Stolen Passports

(TL:CON-67; 1-24-97)

*Applicants for replacements for lost or stolen passports who cannot present acceptable evidence of citizenship and/or identity, and who have urgent travel plans which preclude verification by the Department, may be issued passports valid for one year provided the consular officer is reasonably satisfied concerning the applicant's citizenship and identity. The consular officer should record the available evidence on the Form DSP-11 passport application, and attach to the form a completed Form DSP-64, Statement Regarding Lost or Stolen Passport. **In all cases the individual's name must clear the lookout system prior to issuance or be limited to three months in accordance with 7 FAM 1336.3 .***

7 FAM 1337.6 Former 301(b) INA Cases Retention Requirements

(TL:CON-67; 1-24-97)

All posts are authorized to decide the citizenship status of applicants who failed to comply with the retention requirements of former SEC. 301(b) INA. Most of these cases will be readjudicated and remedied under Section 324(d)(1) INA which provides a means for restoring citizenship by subscribing to an oath of allegiance. In some cases the citizen may assert an affirmative defense to failure to comply with the retention requirements such as unawareness, misinformation or impossibility of performance. For a discussion of the procedures for handling 301(b) cases see 7 FAM 1130 .

7 FAM 1337.7 Processing Cases Not Requiring Referral to Department

7 FAM 1337.7-1 Approved Applications

(TL:CON-67; 1-24-97)

a. *Posts which take final action on passport applications complete them by filling in the box in the upper right corner, showing the number, type of passport, date of issue, and date of expiration of the passport. Nothing should be written above the box in the upper right hand corner. All applications approved by consular officers should show on their face the evidence of citizenship and identity submitted. The documents listed should clearly show the basis for the conclusion that the applicant acquired citizenship. If it is not possible to include all this information in the appropriate area on the front of the application, the additional evidence should be listed on a separate sheet of paper attached to the application. As a general rule, evidence documents should be noted on the application and returned to the applicant. Originals of any signed statements or affidavits by the applicant used to support the claim must, however, be attached to the application.*

b. *In a complex case, or in any case where the consular officer believes an explanation is needed in order for the file to establish more clearly the applicant's citizenship claim, a brief narrative entitled "CONSULAR OFFICER'S DECISION" signed by the consul should be attached to the application as part of the file.*

c. *All issued applications should be forwarded on a monthly basis to the Department for filing. Posts which are not on the Citizens Services System (CSS) should send the applications to CA/PPT/TD/RS. Posts which are on the CSS system should send the CSS tapes and the issued applications together to CA/PPT/TD/RS. CSS tapes for a given month should be created at the beginning of the new month. The CSS tapes and accompanying applications should be shipped to the Department no later than the fifth working day of the month. In no case should the applications arrive before CSS tapes. CSS posts can also send electronic issuance data via the Department's Messaging System.*

7 FAM 1337.7-2 Applications Executed at Non-Issuing Office

(TL:CON-67; 1-24-97)

A passport application executed at an office not designated as an issuing office is sent to the nearest issuing office in the same country. If this is impracticable, send the application to the nearest issuing office in another country. The office where the application was executed records the action and disposition of the forms *in the CSS system or on the Passport and Nationality Card.*

7 FAM 1337.7-3 Disposition of Abandoned Applications

(TL:CON-67; 1-24-97)

If an applicant fails to complete the application *and* does not respond to a request to furnish additional information, the officer in charge of the office which took the application:

- (1) Writes on top of the application in red letters, "Abandoned";
- (2) Includes a short statement of the reasons why the application is considered abandoned; and
- (3) Forwards the application, *the statement, and all papers submitted which cannot be noted and returned to the applicant to the Department (CA/PPT/TD/RS). Abandoned cases must be boxed or bundled separately from issued applications.*
- (4) *Purge the cases from CSS records.*

7 FAM 1337.7-4 Surrender of Previous Passports by Applicants

(TL:CON-67; 1-24-97)

a. The applicant is required to surrender any previous valid passport of the same type before receiving the new passport except when the applicant has been issued a second passport to accomplish necessary travel.

b. The bearer of a valid no-fee passport is not required to surrender it when a fee passport is obtained, as long as the status is retained entitling the bearer to the no-fee passport. When the bearer of a valid fee passport is issued a no-fee passport, both are retained.

c. Any valid passport which is surrendered upon issuance of a new passport is canceled and returned to the applicant.

7 FAM 1338 APPLICATIONS REQUIRING REFERRAL TO DEPARTMENT

7 FAM 1338.1 Types of Cases that Need to be Referred

(TL:CON-67; 1-24-97)

a. *Consular officers shall refer certain classes of applications to the Department for decision or final approval. The cases which must be referred are listed below. All cases listed should be referred to CA/OCS/ACS except as indicated.*

(1) Cases where an expatriating act has been committed and the citizen states (or the preponderance of the evidence supports) that the act was performed with the intention of relinquishing U.S. citizenship. Only the Department can make a finding that loss of nationality has occurred under SEC. 349 INA.

(2) *Cases adjudicated previously where an individual who was held to have lost U.S. citizenship now believes that the evidence of record will not support a holding of intent to relinquish U.S. citizenship. Refer these cases to CA/OCS/PRI for administrative review;*

(3) *Cases in which the applicant's name clearance results in a hold;*

(4) *Cases where the circumstances indicate a reasonable likelihood that a record of judicial revocation of naturalization has been made;*

(5) *Cases in which passport fraud or misuse is suspected;*

(6) *Passport extension requests in which the endorsement states that Department approval is required, unless otherwise indicated in this chapter's instructions;*

(7) *Applications for diplomatic or official passports. Refer these cases to CA/PPT/SIA; and,*

(8) *Any case which is believed to come within the provisions of 22 CFR 51.70 and 51.71. Refer these cases to CA/PPT/PAS with an information copy to CA/OCS/ACS.*

(9) *First time applications which are adjudicated and disapproved by posts for citizenship or identity reasons. Most disapproved applications of this type are sent to CA/OCS/ACS under cover of a lookout for review, countersigning and filing [see 7 FAM 1338.3]. Some persons whose applications have been disapproved may request a formal determination by the Department. Any disapproved case in which an applicant challenges a consular officer's conclusion regarding the finding of fact or the application of the law, should be submitted to the Department (CA/OCS/PR) for advisory opinion.*

b. *Consular officers may submit any case for the Department's review and advisory opinion if such action is believed appropriate or guidance is needed.*

7 FAM 1338.2 Processing Cases Requiring Approval by Department

7 FAM 1338.2-1 Manner of Submission

(TL:CON-67; 1-24-97)

a. *If the nature of the case permits, a request for Department approval or advisory opinion should be made by cable giving all necessary facts and circumstances. Cable transmission should routinely be used for passport extension requests or name clearance related cases. In cases where it is necessary or desirable for the Department to view the documents firsthand, forward the case to the appropriate action office via pouch. FAX transmission may be used in urgent cases. E-mail should not be used for requests for official determinations but can be used for general questions.*

b. *If a case is forwarded by pouch, it is generally not necessary to send original supporting documents. (This does not apply to Certificates of Loss of Nationality sent in for the Department's approval or to cases involving suspected fraudulent documents.) In most cases, copies which are certified by the consular officer as being true copies of the originals are acceptable. Generally the file sent in for review is the one that will remain in Department's files. Since the Department should not be the repository for an individual's vital statistics documents, birth, marriage and similar documents should be copied and returned to the applicant. The consular officer is expected to examine carefully all original evidence documents. Documents which posts wish to send to the Department that do not copy well such as family photographs should be submitted in an envelope marked "Return to Post". Affidavits should always be sent in the original form [see 7 FAM 1334.2-11].*

7 FAM 1338.2-2 Translation

(TL:CON-67; 1-24-97)

If the submitted documents are in a foreign language, they must be accompanied by an English translation of at least those paragraphs and headings which are pertinent to the issues. Important papers should be translated in full. While the Department has available translation services, these are severely taxed at times. The resulting delays which occur when untranslated documents are submitted may postpone the Department's decision.

7 FAM 1338.2-3 Consular Officer's Opinion

(TL:CON-67; 1-24-97)

Cases forwarded by pouch for Department's approval must be accompanied by a consular officer's statement indicating the reason the case is forwarded, and, if appropriate, the consular officer's opinion or recommendation as to the proper resolution. The statement should be in the form of a covering memorandum or "buck-slip" (Form OF-41). In addition, the words "DO NOT FILE" should be stamped or printed at the top of the memorandum and a yellow tag labeled "For Department's Decision" should be stapled to the top of the file. The Department action office symbols should be noted on the tag.

7 FAM 1338.2-4 Post Duplicate Copy

(TL:CON-67; 1-24-97)

Posts should keep a duplicate original application and copies of supporting documents for cases submitted by pouch for the Department's decision. Upon receipt of the Department's decision, send the post's copy of the application to the Department. It is not necessary to send the post duplicate copies of the supporting documents. These may be destroyed. If the decision is one of approval, the application should be annotated with the passport issuance data and the approving cable number. If the Department disapproves documentation, complete a lookout form, if appropriate, and send the lookout with application and Department's disapproval message attached to CA/OCS/ACS for signature and filing.

7 FAM 1338.3 Preparation of Lookouts At Post

(TL:CON-67; 1-24-97)

a. *Certain applications which are denied at post should be forwarded to the Department under a red-bordered lookout form (DS-1589). Lookouts are entered into the CLASS system at the Department to prevent passport issuance pending a review of the file. In every case where a lookout is prepared at post, the lookout form should be forwarded, with the documents supporting the lookout attached underneath, to CA/OCS/ACS/(appropriate geographic division) for countersigning and forwarding to CA/PPT/TD/PS/TWX for entry into the computer system.*

b. *Lookout forms should be typed or legibly handwritten. A sample lookout form is shown in 7 FAM 1338 Exhibit 1338.3 . Posts will need to refer to 7 FAM 1338 Exhibit 1338.3 b for the appropriate Reason Code and Sub-code entries. Posts complete the form fields for the following:*

- (1) *Name;*
- (2) *Date and Place of Birth (Mon/Day/Yr, City/State/Country);*
- (3) *Reason Code (Enter letter Code from 7 FAM 1338 Exhibit 1338.3 b);*
- (4) *Source Code (Enter "F" for cases originating in a foreign country);*
- (5) *Expiration Date (Enter "Indefinite");*
- (6) *Reason Sub-code (Modifier) (Enter numerical Code from 7 FAM 1338 Exhibit 1338.3 b ;)*

NOTE: *Some sub-codes are law sections and some codes have no sub-code.*

(7) *Officer Requesting Lookout (Enter the name of the officer requesting the entry of the lookout and the name of the Foreign Service post; the officer should initial or sign over his/her name);*

(8) *Place of Residence (Enter subject's city and country of residence); and*

(9) *Reason for Lookout (Briefly state reason, for example "Subject's Amcit parent had insufficient physical presence in the United States prior to birth of subject to transmit citizenship."*

c. *Lookouts may be prepared at posts for the following types of cases:*

(1) *No-claim cases. (Reason code N). A no-claim lookout is prepared when a determination has been made that an applicant never had a claim to U.S. citizenship.*

(2) *Questionable claim cases. (Reason code Q). A questionable claim lookout is prepared when an applicant's citizenship status is questionable, i.e. the applicant may have lost U.S. citizenship or may not have acquired it. In an emergency, a limited passport may be issued in a questionable loss case but not in a questionable acquisition case. This is because the burden of proving loss is on the party claiming loss has occurred while the burden of proving acquisition is on the applicant.*

(3) *Insufficient evidence. (Reason code I). An insufficient evidence lookout is prepared when an applicant's citizenship status is considered likely to be valid but the applicant has not presented sufficient documentary evidence to support the claim. In an emergency, a limited passport may be issued in such a case.*

(4) *Preliminary loss of nationality. (Reason code L). A loss of nationality lookout should be prepared whenever the consular officer has made a preliminary finding of loss of nationality and prepared a Certificate of Loss of Nationality for the Department's approval.*

(5) *Former 301(b) INA cases. (Reason code L). Loss of nationality lookouts are prepared when the consular officer has determined that an applicant ceased to be a U.S. citizen for failing to comply with former SEC. 301(b) INA retention requirements and does not take the oath of allegiance under Section 324(d)(1) INA. A lookout is not required in cases where the person takes the oath of allegiance [see 7 FAM 1137.6].*

(6) *Fraud cases. (Reason code E, F, or S). Fraud lookouts are prepared when an applicant submits documents to support a claim to citizenship or identity which are counterfeit or fraudulently obtained (Reason code F) or based on a deceased person's identity (Reason code E). Fraud lookouts are also prepared when there is a problem involving the disposition of previous passports which warrants monitoring (Reason code S).*

7 FAM 1339 UNASSIGNED

7 FAM 1336 Exhibit 1336.4

SAMPLES OF CLEARANCE MESSAGES

INITIALS

APPR: BCC

DRAFT: MJW

UNCLASSIFIED

CONS: MJWOOD:WOW

CONGEN: BCCARMES

PRIORITY

SECSTATE WASHDC

FOR CA/PPT/TD/PS/TWX

E.O. 12958: N/A

TAGS: CPAS, CU

SUBJECT: PASSPORT NAMECHECK

POST REQUESTS CLEARANCE FOR PASSPORT ISSUANCE TO THE APPLICANTS LISTED BELOW:

1. JANSSEN, ALYA ZOLA; DPOB: 7/6/85, BONN, GERMANY
2. MCDANIEL, FRANZ EMIL; DPOB: 6/8/58, PERRY, NEW YORK
3. DEBOS, JOHN DERRICK; DPOB: 10/4/63, NEW YORK, NEW YORK
4. YAMA, FUJI D.; DPOB: 5/8/55, SACRAMENTO, CALIFORNIA
5. CASTRO, JULIO G.; 6/10/60, HAVANA, CUBA

SMITH

HORIZONTAL FORMAT.

NOTE.—Formats will vary from post to post. The information required above should always be included.

7 FAM 1336 Exhibit 1336.4 (continued)

INITIALS

APPR: BCC

DRAFT: MJW

UNCLASSIFIED
CONS: MJWOOD:WOW
CONGEN: BCCARMES

PRIORITY

SECSTATE WASHDC

FOR CA/PPT/TD/PS/TWX

E.O. 12958: N/A
TAGS: CPAS, CU
SUBJECT: PASSPORT NAMECHECK

POST REQUESTS CLEARANCE FOR PASSPORT ISSUANCE TO THE APPLICANTS LISTED BELOW:

1. JANSSEN, A-LYA ZOLA
DOB: 7/6/85
POB: BONN, GERMANY

4. DEBOS, JOHN DERRICK
DOB: 10/10/63
POB: NEW YORK, NEW YORK

2. MCDANIEL, FRANZ KARL
DOB: 6/8/38
POB: PERRY, NEW YORK

5. YAMA, FUJI D.
DOB: 5/8/55
POB: SACRAMENTO, CA.

3. CASTRO, JULIO G.
DOB: 6/10/60
POB: HAVANA, CUBA

SMITH

VERTICAL FORMAT.

NOTE.—Formats will vary from post to post. The information required above should always be included.

7 FAM 1336 Exhibit 1336.4 (continued)

INITIALS

APPR: BFC

DRAFT: DCL

UNCLASSIFIED
CONS: DCLOGAN:WOW
CONGEN: BFCAREY

PRIORITY

SECSTATE WASHDC

FOR CA/OCS/ACS/ARA

E.O. 12958: N/A
TAGS: CPAS, CU
SUBJECT: PASSPORT VERIFICATION

1. POST REQUESTS VERIFICATION OF PREVIOUS PASSPORT FOR THE FOLLOWING:

LELA MARIE SHANNON (DPOB 10 OCT 64, OHIO). PREV. PASSPORT NO. 073388907
ISSUED MAY 1995 IN SEATTLE.

2. NAMECHECK ALSO REQUESTED.

MONROE

7 FAM 1338 Exhibit 1338.3

Sample Lookout Form

| LOOKOUT | | | LOOKOUT | | |
|---|--|-------------------------------------|-------------------------------|-----------------|--|
| NAME (Last) (First) (Middle) | | | | | |
| Kingston | | Arnold | | Kevin | |
| BIRTH DATE | | BIRTHPLACE (City) (State) (Country) | | | |
| 3-25-60 | | Cleveland, Ohio, USA | | | |
| REASON CODE | | SOURCE CODE | | EXPIRATION DATE | |
| L | | F | | Indefinite | |
| REASON SUB-CODE (MODIFIER) | | | | | |
| 349(a)(1) INA, naturalization, 8-12-86 + CLN | | | | | |
| SOURCE DOCUMENT (Name or Subjective Code) Used when document is filed under name not appearing on top line, e.g. cross reference. Also identifies information used to create lookout. | | | | | |
| OFFICER REQUESTING LOOKOUT (Name, Signature & Organizational Symbol) | | | | | |
| Marcia Goldman Amcongen Milan | | | | | |
| PLACE OF RESIDENCE (City) (State) (Country) | | | | | |
| Milan, Italy | | | | | |
| LAST PASSPORT (Number) (Date) (Place Issued) | | | | | |
| REASON FOR LOOKOUT (State briefly, indicate person or agency to be notified, including phone number and address.) | | | | | |
| Naturalized in Italy voluntarily and with intent to relinquish U.S. citizenship. | | | | | |
| IMPORTANT: This Lookout Form is <u>not</u> to be construed as a denial or limitation of passport facilities. | | | | | |
| CROSS REFERENCE (Prepare set for each name. Fill in Source Document line on all sets if source document is to be filed under subjective code. If source document is to be filed under a name, fill in Source Document line with file name on all cross references.) | | | | | |
| PREPARED AND FORWARDED TO TWX/CLEARANCE BY: | | | OFFICER AUTHORIZING REMOVAL | | |
| NAME DATE | | | NAME ORGANIZATIONAL SYMBOL | | |
| | | | | | |
| RECEIVED AND FILED IN TWX/CLEARANCE BY: | | | DATE REASON | | |
| NAME DATE | | | | | |
| | | | REMOVED DATE NAME & SIGNATURE | | |
| | | | | | |
| LOOKOUT | | | LOOKOUT | | |
| FORM 1-87 DS-1589 | | | U.S. DEPARTMENT OF STATE | | |

7 FAM 1338 Exhibit 1338.3b

PASSPORT NAME CHECK SYSTEM REASON IDENTIFIER AND SUB-CODE LIST

Security Preface

Authorization for access to, and use of material emanating from the Passport Services Namecheck System, including print-outs, is governed by the provisions of Executive Order 12356 dated April 2, 1982, and the Department of State Security Regulations relating to safeguarding and dissemination of classified and administratively controlled material [5 FAM 941-958]. The categories affected are specifically identified.

The remaining material in the Namecheck System is privileged and may only be released in accordance with the provisions of Title 22, Code of Federal Regulations, section 51.33, the Privacy Act of 1974, and the Freedom of Information Act of 1968.

REASON IDENTIFIERS AND SUB-CODES

A - Unassigned. (Formerly information received from posts abroad which included deserters - wanted by military authorities. Information received from security agency reports and hijacker lists (Classified)).

Sub-Codes: 1 - 5 Unassigned.

B - For identifiers B, C and D only - Wanted by law enforcement agency in connection with criminal activities or proceedings.

Sub-Codes: 6. WARRANT + Initials of interested Federal law enforcement agency
- Federal Warrant of arrest
7. INV + Initials of interested Federal law enforcement agency -
Investigatory; no warrant
8. COURT ORDER - Criminal court order
9 - 11 Unassigned

C - Parent requests notification of passport application prior to issuance; or travel is restricted by court order or at request of person(s) having legal custody or minor.

Sub-Codes: 12. Father objects; has presented court order awarding him sole
custody, or restraining order
13. Mother objects; has presented court order awarding her sole
custody; or restraining order

7 FAM 1338 Exhibit 1338.3b (continued)

14. Parents have joint custody; neither parent to remove child(ren) from court's jurisdiction
15. Notify father prior to issuance; no court order
16. Notify mother prior to issuance; no court order
17. One or both parents object to passport issuance for child(ren) based on age only
18. Court order presented by social service or juvenile court; neither parent to remove child(ren) from jurisdiction of court
- 19-24 Unassigned

D - Indebtedness to U.S. Government. Enter dollar amount owed and if applicable, invoice number.

Source-Code: (B) - Repatriation

Source-Code: (T) - Uncollectible check for passport fees

E - Identities of Deceased Persons

Sub-Code: 25. Deceased Identity: The lookout is in the name of the deceased not the perpetrator. Source document: record serial number of death certificate, place in which death occurred, and date of death. If perpetrator's true identity known, enter lookout in that name under Identifier code F sub-code 46.

F - Involved in fraudulent or suspected fraudulent activities.

Sub-Codes: 26. False claim to U.S. citizenship: counterfeit/forged **identity** evidence: Lookout is in the name of the person impersonated with separate lookout under code 46 in true identity if known.

27. False claim to U.S. citizenship: counterfeit or forged **citizenship** evidence. Lookout is in the name of fraudulent identity with separate lookout under code 46 in true identity if known.

28. False claim to U.S. citizenship: Confirmed impostor fraud perpetrated by an alien. Lookout is in the name of the person impersonated with separate lookout under code 46 in true identity if known.

29. False claim to U.S. citizenship: passport issued in error or fraudulently obtained confiscated by competent authority (not necessarily USG official). Lookout is in the name of passport bearer. If perpetrator is US citizen, may use sub-code 37.

7 FAM 1338 Exhibit 1338.3b (continued)

(NOTE: This sub-code is not for photo-subbed or altered US passports. See sub-code 48.)

30. False claim to acquisition of citizenship: Applicant is an alien. Usually reserved for "instant babies" who are found not to be the blood issue of the purported US parents.
31. False claim to derivative citizenship. Refers to false claims through derivative naturalization of parents.
32. Suspected false claim to U.S. citizenship.
33. Relates to the citizenship evidence submitted: No record of birth is on file. Perpetrator can be alien or US citizen.

34. Relates to the citizenship evidence submitted: Counterfeit/forged citizenship evidence. Perpetrator is a US citizen (in contrast to sub-code 27). Lookout is in the false name with separate lookout under sub-code 46 in true identity if known.
35. Delayed birth certificate created on the basis of insufficient/unacceptable evidence: Usually perpetrated by alien. Delayed b.c. is one **filed** one year or later after birth.
36. Citizenship evidence submitted was inadequate: To be used when the citizenship *bonafides* are suspect and not merely insufficient.
37. Impostor fraud perpetrated by probable US citizen: Used for persons who use the new identity, often to hide from criminal prosecution or to aid criminal activity. Lookout is in the name of person impersonated with separate lookout under sub-code 46 in true identity if known.
38. Screen for fraudulent identity: Alien or citizen has submitted counterfeit or forged identity evidence, however, further evidence may establish entitlement. Used, for example, for vanity fraud (to make self appear younger).
39. Screen to establish continuity of identity: Used when there are gaps where identity does not show person is the same as the one who derived citizenship.
40. Screen for fraud: Identification documents are submitted from widely disparate areas, e.g. driver's license is from different state than residence.
41. Screen for fraud. Inadequate identity evidence. Applicant did not submit additional evidence of entitlement as requested. (Often used with sub-code 44 -abandonment.)

7 FAM 1338 Exhibit 1338.3b (continued)

42. Screen for fraud: Citizenship and/or identity evidence submitted by the applicant was previously reported stolen. Lookout is in the name of the person whose documents were stolen. If thief known, enter a second lookout under sub-code 47 in that identity. This sub-code does not apply to lost passport cases.
43. Refers to unresolved case: Use only when fraud is suspected and the case has not been pursued by the applicant.
44. Refers to unresolved case: Applicant failed to respond, (or) application abandoned. Often paired with another sub-code.
45. Refers to unresolved case: Circumstantial fraud indicators present.
46. True identity of person who committed passport fraud in another identity: Could be US citizen or alien.
47. Third parties suspected of complicity in passport fraud-related incidents, i.e. identifying witnesses, affiants.
48. Suspected complicity in alien smuggling: Applicant suspected of providing his/her previous U.S. passport to another person. The "transferred" passport no., date and place of issuance should be entered on the Source Document line. Related fraud cases should be noted in 7 FAM 1338 Exhibit 1338.3 b the Cross reference box. This sub-code is used for suspected organized alien smuggling; isolated cases should be given sub-code 126.
49. Suspected complicity in alien smuggling: U.S. passport was found in the possession of another person. The true bearer's identity and citizenship is not in question. The found passport number, date and place of issuance should be entered on the Source document line, related cases in the Cross reference box.

50. False statement to obtain multiple passports: Applicant made deliberate false statement regarding issuance of a previously-issued but still valid passport in order to obtain multiple passports not otherwise authorized by the Department.

51-55 Unassigned)

G - (Unassigned)

H - Hague Convention child abduction cases.

7 FAM 1338 Exhibit 1338.3b (continued)

Sub-Codes: None

I - Insufficient evidence of citizenship submitted with passport application. (Passport issued under emergency conditions or other special circumstances. Applicant's identity reasonably established and fraud not suspected.)

Sub-Codes: Additional evidence needed to complete case:

- 56. Acceptable primary evidence of citizenship
- 57. Acceptable secondary evidence of citizenship
- 58. Evidence of name change or given name
- 59. Evidence establishing filiation
- 60. Evidence of adoption
- 61. Evidence of entry into United States
- 62. Evidence of derivative citizenship through naturalization of parents
- 63. Evidence of satisfaction of retention requirements
- 64. Parents' marriage certificate
- 65. Evidence of U.S. citizenship of parent(s) before applicant's birth abroad
- 66. Evidence of U.S. residence and physical presence of parent(s) before applicant's birth abroad
- 67. Evidence of parent(s) prior divorce(s)
- 68. Evidence establishing Legitimation
- 69-74 Unassigned

J - Renunciation of U.S. citizenship in U.S. relocation camp during World War II by persons of Japanese origin.

Sub-Codes: None

K - Unassigned. (Formerly classified information of interest to security agency.)

L - Loss of U.S. citizenship established. (Final determination that as a matter of law the subject has lost U.S. citizenship.)

Sub-Codes: 74. Renunciation of U.S. citizenship.

Otherwise enter law and section(s) under which citizenship was lost together with brief descriptive words such as "naturalization" and date of loss, + "CLN"

M - Potential mental problem cases.

7 FAM 1338 Exhibit 1338.3b (continued)

Sub-Codes: 75. Court order; committed to mental institution
76. Legal declaration of incompetency; notify guardian
77. Information received from post abroad on potential mental problem case
78-79 Unassigned

N - Claim to U.S. citizenship denied as never having been acquired. (Final determination that as a matter of law the subject never acquired citizenship. Fraud, including adoption fraud, not suspected.)

Sub-Codes: 80-85 Unassigned

P - Unassigned. (Formerly of immediate and vital concern to drug control agency.)

Sub-Codes: 86-95 Unassigned

Q - Claim to U.S. citizenship questionable because available evidence raises possibility that subject did not acquire citizenship or has lost citizenship. (Applicant's identity has been reasonably established and fraud is not suspected.)

Sub-Codes: The problem requires:
96. Acceptable primary evidence of citizenship
97. Acceptable secondary evidence of citizenship
98. Evidence of name change or given name
99. Evidence establishing affiliation
100. Evidence of adoption
101. Evidence of entry into United States
102. Evidence of derivative citizenship through naturalization of parent(s)
103. Evidence of satisfaction of retention requirements
104. Parents' marriage certificate
105. Evidence of U.S. citizenship of parent(s) before applicant's birth abroad
106. Evidence of U.S. residence and physical presence of parent(s) before applicant's birth abroad
107. Evidence of parent(s) prior divorce(s)
108. Evidence establishing legitimation
109. Applicable section of law-possible loss of citizenship
110-120 Unassigned

7 FAM 1338 Exhibit 1338.3b (continued)

R - Activities abroad may interfere with or are potentially harmful to U.S. relations with foreign governments or security of the United States. (Classified.)

Sub-Codes: (121-124 unassigned)

S - Problem cases involving the disposition of previous passports. ("S" data entered prior to the effective date of this Instruction may reflect either problem lost/stolen passport cases or potential mental problem cases.)

Sub-Codes:

- 125. Passport reported lost/stolen: Use only when there are reasonable grounds that lost/stolen passport may be used for fraudulent purposes. In Source document box enter the passport number, initials of agency/post where replacement sought, month/year, and first five letters of applicant's mother's maiden name.
- 126. False claim of loss/theft of passport: Enter in Source document line ppt no., initials of agency/post where replacement sought and month/year.
- 127. Claim of lost/stolen passport is suspect: Enter passport number, agency/post replacement passport issued, month/year on Source Document line.
- 128. Relates to allegation of loss/theft of passport: History of multiple losses. In source document line, enter passport numbers, agency/post and month/years.
- 129. Has sought frequent, unwarranted replacement of valid passports: In Source document line, enter passport numbers, agency/post and month/years.
- 130. Has submitted passport(s) in mutilated condition: In source document line, enter passport number(s), agency/post, and month/year(s). Particular attention should be given to possible photosubs and bearer's ability to explain, if possible, the travel cachets stamped in passport.

(131-140 unassigned)

T - V(Unassigned)

7 FAM 1338 Exhibit 1338.3b (continued)

W - Indebtedness to U.S. Government. (Nonpayment of waiver fee or after hours service fee.)

Sub-Code: Dollar amount owed

X - Attempted renunciants.

Sub-Code: (141-150 unassigned)

Z - Catch card. Limited validity not to exceed 90 days to identify specific current incoming cases which need expeditious or other special handling caused by emergencies or evidentiary problems.

Sub-Code: Agency, office or individual requesting catch card

7 FAM 1338 Exhibit 1338.3b (continued)

PASSPORT NAMECHECK SYSTEM SOURCE AND EXPIRATION DATE LIST

| Reason Code (Identified) | Sources(s) (Entered and Reviewed by) | Expiration Date (Maximum) |
|-----------------------------|--|--|
| A | No longer entered. Remaining cases reviewed by PPT/PAS | |
| B | PPT/PAS (entered by CA/PPT/TD/RS/RL if investigatory) | 5 years if investigatory; indefinite with warrant; length of parole/probation; 2 years if free on bail |
| C | PPT/PAS; CA/OCS for overseas aspects | Minor's 18th birthday |
| D | Source-Code (B) Office of Financial Operations (FMP/DFS/FO/AR; PPT/TD) Source-Code (T) Accounting and Statistics Branch (CA/PPT/TD/PS/AS) | Indefinite |
| E | CA/OCS; CA/FPP | Indefinite |
| F | CA/OCS; CA/FPP | Indefinite |
| H | CA/OCS | Minor's 16th birthday |
| I | PPT/FO; ¹ /Passport Agencies; CA/OCS | Indefinite |
| J | No longer entered; remaining cases handled by PPT/PAS | Indefinite |
| L | CA/OCS | Indefinite |
| M | PPT/PAS | Indefinite |
| N | Agencies; PPT/FO; CA/OCS | Indefinite |

¹/Entry and removal of data by the Agencies must be authorized by PPT/FO or its delegate. Review of such action in Washington, when necessary, should be done by PPT/TD/PS/TWX.

7 FAM 1338 Exhibit 1338.3b (continued)

| Reason Code (Identified) | Sources(s) (Entered and Reviewed by) | Expiration Date (Maximum) |
|-----------------------------|---|------------------------------|
| P | No longer entered. Remaining cases reviewed by PPT/FO | |
| Q | CA/OCS; PT/FO | Indefinite |
| R | PPT/PAS | Indefinite |
| S | CA/OCS; CA/FPP | 10 years |
| W | CA/PPT/TD/PS/AS | Indefinite |
| X | CA/OCS | 5 years |
| Z | ² /Agencies (All areas of PPT) 90 days (Reviewed by PPT/TD) | |

LOOKOUT SOURCE IDENTIFIER LIST

| | |
|---|--|
| B | Office of Financial Operations (FMP/DFS/FO/AR) |
| E | Passport Agency, Passport Field Coordination PPT/FO |
| F | Overseas Citizens Services (CA/OCS) |
| I | Index. (Auxiliary lookout exists from which information will be transferred to application.) |
| L | Office of Policy and Advisory Services (CA/PPT/PAS) |
| P | Office of Fraud Prevention Programs (CA/FPP) |
| S | Office of Technology Development (PPT/TD) |
| T | Accounting & Statistics Branch (CA/PPT/TD/PS/AS) |
| U | Unknown |

²/ Data entered in the System under source identifiers which are no longer current will be reviewed as necessary by the area(s) currently responsible for reviewing such cases.